

Remarks

Reconsideration and removal of the grounds for rejection are respectfully requested. Claims 1-18 were in the application, claims 1-18 have been cancelled and new claims 19-36 substituted therefore.

The examiner indicated that the Search Report submitted did not qualify as a bona fide Information Disclosure Statement. A proper IDS is being submitted concurrently herewith.

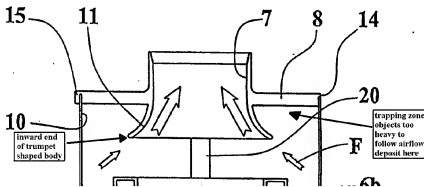
The objection to claim 18 has been rendered moot by its cancellation.

Claims 1-3, 5-9 and 11-16 were rejected as being anticipated by Bergami WO 01/43852.

"The term "anticipation" in patent usage means that the invention was previously known to the public; that is, that it previously existed in the precise form in which it is claimed, including all of the limitations in the claim." SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006) (Emphasis Added.)

"A claim cannot be 'anticipated' by prior art that does not have all of the limitations in the claim." Helifix Ltd. v. Blok-Lok, Ltd., 208 F.3d 1339, 1346 (Fed. Cir. 2000) SmithKline Beecham Corp. v. Apotex Corp., 439 F.3d 1312, 1324 (Fed. Cir. 2006).

Claim 19 now more clearly recites that the outlet means has "a trumpet shaped tubular body (11) projecting inwardly from the outlet means into an interior volume of the tubular case, and defining a trapping zone between an inward end of the trumpet shaped tubular body and the outlet means (8), the trapping zone capturing objects to prevent transport with the filtered air". (See spec. pg. 4, line



28-31, and
illustrated
here:

In this case, as all the elements of new claim 19 are not found in Bergami, precisely as presented in claim 19, claim 19 and the claims depending therefrom are not anticipated thereby.

Claims 4 and 10 were rejected as being obvious over Bergami '852. While the rejection of claims 4 and 10 has been rendered moot by their cancellation, claims 4 and 10 have been replaced by new claims 22 and 28. However, claims 22 and 28 now depend from and contain all the limitations of claim 19 therein. In particular, claim 19 describes the trapping zone located between an inner end of the trumpet body and the outlet means (8), as illustrated above. On the other hand, Bergami '852 has no such trapping zone, nor would it be obvious to incorporate such a trapping zone in the device of Bergami '852. Consequently, claims 22 and 28 are believed to be patentable over the cited art.

Claims 17 and 18 were rejected as being obvious over Bergami '852 in view of Dudrey, U.S. Patent no. 5,669,949. Neither Bergami '852 nor Dudrey disclose, or describe the structures for forming the trapping zone of claim 19, and so new claims 35 and 36 and not rendered obvious over the combination.

Claims 1, 12, 15 and 16 were rejected on the grounds of non-statutory obviousness type double patenting over claims 1, 2, 4, 12, 13 and 14 of U.S. Patent no 6,638,330. As these claims have been cancelled, and new independent claim 19 contains limitations that are not believed to be obvious over the '330 Patent, it is believed that this rejection has been rendered moot.

Based on the above amendments and remarks, claims 19-36 are believed to be patentable over the prior art. However, should the examiner believe that minor amendments may place the application in condition for allowance, the examiner is invited to telephone the undersigned at the number indicated below so as to enter these by examiners' amendment.

Respectfully submitted,

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